

# **Exhibit H**

**From:** Pilmer, R. Alexander  
**Sent:** Tuesday, September 01, 2015 2:18 PM  
**To:** Frederick, David C.; Kim, Wan J.; Tillery, Stephen  
**Cc:** Horowitz, David I.  
**Subject:** RE: NCUA v. RBS (NY Action) - Rule 68 offer of judgment  
**Attachments:** 2015.09.01 Letter to D. Frederick.pdf

David --

I write to provide RBS's position in response to your August 14 letter regarding the setting of trial dates in the NY and Kansas actions. First, regarding the NY action, RBS's position is that no trial date should be set at this juncture given that RBS has offered NCUA (in its capacity as liquidating agent for Southwest and Members) complete relief in that case in connection with its Rule 68 offer. Second, in the Kansas action, RBS is amenable to setting a January 2017 trial date, provided the start date is January 23, 2017 instead of January 9, 2017.

Also, I've attached a letter in response to your August 28th letter to me.

I am available to discuss the above positions at your convenience.

Best Regards,

-- Alex

**R. Alexander Pilmer | Kirkland & Ellis LLP | Partner**

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**From:** Frederick, David C. [<mailto:dfrederick@khhte.com>]  
**Sent:** Friday, August 28, 2015 8:12 AM  
**To:** Pilmer, R. Alexander; Kim, Wan J.; Tillery, Stephen  
**Cc:** Horowitz, David I.  
**Subject:** RE: NCUA v. RBS (NY Action) - Rule 68 offer of judgment

Alex,

Please see the attached letter. I'm available early next week to discuss if you'd like.

Regards,  
David

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**From:** Pilmer, R. Alexander [<mailto:apilmer@kirkland.com>]  
**Sent:** Friday, August 21, 2015 4:08 PM

**To:** Frederick, David C.; Kim, Wan J.; Tillery, Stephen  
**Cc:** Horowitz, David I.  
**Subject:** NCUA v. RBS (NY Action) - Rule 68 offer of judgment

David, et al - please see the attached. Should you wish to discuss, please feel free to contact me at any time.

Regards, Alex

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